



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

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#### Memorandum

To: Recovery Coordinator, Mexican Gray Wolf Recovery Program

From: **Acting**  
Regional Director, Region 2

Subject: Depredation Decision; Mexican Wolves AF861/AM871 (Middle Fork Pack)

Under the final 10(j) rule (50 CFR Part 17) of January 12, 1998, and the FEIS of November 1996, a confirmed livestock depredation incident on or about August 12, 2009, by Mexican wolf female AF861 and male AM871, triggered an initial decision whether these wolves should remain in the wild or be removed from the Blue Range Wolf Recovery Area (BRWRA). Since then, the number of depredation incidents assigned to the Middle Fork Pack rose to seven on September 5, 2009, with an eighth potential depredation under investigation. Each assigned depredation incident triggered reconsideration of whether or not these wolves shall remain in the wild.

The September 5 depredation assignment triggered formulation of revised recommendations by the Interagency Field Team (IFT) and the Adaptive Management Oversight Committee (AMOC). These recommendations were forwarded to agency directors on September 8, 2009, following discussion in an AMOC conference call. Lead agency representatives on AMOC developed and forwarded the following recommendations to Agency Directors on September 8, 2009:

1. Arizona Game and Fish Department (AGFD) recommends immediate live capture and permanent removal of AM871, AF861 and their four pups for possible future release into New Mexico or Mexico, in an area where the likelihood of livestock depredation is appreciably lower. Furthermore, to quote Arizona Game and Fish Department Director Larry Voyles: "I urge a straightforward approach to attenuating the decision-making process for AM871 and AF861 that anticipates the likelihood of their continued depredation. I suggest that the USFWS Regional Director's decision memo for the 7<sup>th</sup> depredation incident affirm that that decision and any future decisions regarding depredation of these two wolves in New Mexico will be made by USFWS, as exceptions

to SOP 13.0, after consultation with the NMDGF Director and consideration of any relevant information on future depredations that is provided by the IFT through AMOC without response recommendation by the IFT or AMOC. This approach would eliminate time loss developing and considering recommendations that are appropriate under SOP 13.0 but which in fact are not viable in these circumstances because of the overall considerations as weighed by the USFWS and NMDGF Directors in accordance with their jurisdictional authorities. It would also end increasing discord over whether SOP 13.0 has been or will be appropriately applied to AM871 and AF861.” He has asked that his comments and AGFD’s AMOC-level recommendation be included in this decision document verbatim. It is attached to this memorandum.

2. The U.S. Forest Service (USFS) supports consideration of removing adult(s) when the U.S. Fish and Wildlife Service (USFWS) deems that pups surviving independently on their own are reasonably assured.
3. The U.S. Department of Agriculture’s Wildlife Services (USDA-WS) recommends immediate permanent removal of either AF861 or AM871, or any uncollared wolf.
4. The White Mountain Apache Tribe (WMAT) recommends trapping and removal of either AF861 or AM871 in an attempt to disrupt the current depredation cycle. WMAT recommends holding captured pack members in captivity until further decisions can be made regarding future releases or translocations.
5. New Mexico Department of Game and Fish (NMDGF) continues to recognize the biological importance of the Middle Fork Pack to the wild 10(j) wolf population, especially the importance of assisting pups to an age where they can survive independently. NMDGF recommends continuation of efforts to haze and modify movements and behavior of wolves in the Middle Fork Pack. NMDGF also recommends continuing efforts and alternatives to separate wolves from cattle.
6. The USFWS abstains from making recommendations at both the AMOC and IFT levels based upon advice from legal counsel pursuant to ongoing litigation.
7. Though not a voting member, the New Mexico Department of Agriculture (NMDA) recommends permanent removal of the Middle Fork Pack from the wild pursuant to SOP 13 guidelines.
8. Though not voting members, county cooperators participating the September 8, 2009 AMOC conference call recommended immediate permanent removal of AF861 and AM871 using the most efficient and expeditious methods available pursuant to the original SOP 13 guidelines.

With each depredation assigned to the Middle Fork Pack, recommendations and decisions become increasingly difficult for everyone involved. I once again extend my sincere thanks to

all those involved in making recommendations and in implementing field efforts to protect livestock and conserve wolves. I encourage that we continue to work together as interagency cooperators to achieve resolution of this very difficult situation.

My decision is the Middle Fork Pack, both adults and pups, shall remain in the wild through the Fall season, until November 1, 2009, at a minimum. During this period of time, wolf hazing and wolf behavior modification actions described in our August 28<sup>th</sup> memo remain authorized. I also authorize actions which encourage pups toward wild game as prey, discouraging any behavior among pups associating cattle as prey. I make my decision based upon AMOC and IFT recommendations, the seven points described in our decision memo dated August 28, 2009, additional available options in hazing and behavior modification, and continued consideration of the genetic and biological importance of the Middle Fork Pack to long-term success of the wild 10(j) wolf population.

I remain deeply concerned about the depredation incidents so far assigned, and I am committed to efforts toward preventing future depredation incidents and providing suitable compensation for losses. I wish to thank one of our non-profit partners, Defenders of Wildlife, for their commitments toward financial compensation to the livestock grower for past, current, and future depredation losses assigned to the Middle Fork Pack. Because the permitted livestock are in the process of being moved to another pasture I hope to gain separation between the Middle Fork Pack and the permitted livestock in the area, thus reducing the opportunities for future depredations. I encourage additional measures on the part of agency and non-profit partners which avoid or minimize future depredation losses in cooperation with the livestock grower.

The circumstances surrounding the Middle Fork Pack demand maximal resources and creativity on the part of interagency and non-profit partners. This means IFT members and others must focus their efforts on modifying wolf behavior and preventing further depredation incidents in the field. I am mindful of the toll these actions are taking on the IFT and other program resources, and I encourage the IFT to focus on maximizing efficiency and effectiveness in their efforts. Because I direct the Middle Fork Pack remain in the wild through November 1, 2009 at a minimum, additional AMOC/IFT conference calls and recommendations per depredation incident are no longer necessary for this particular wolf pack until that time. Instead, I encourage everyone to focus on addressing field efforts and field needs associated with the Middle Fork Pack and the affected permittee. However, I ask that depredations and the Middle Fork Pack continue to be monitored, with frequent reports conveyed to me through U.S. Fish and Wildlife Service contacts and normal agency channels, as well as shared with non-profit partners who are offering financial compensation to the permittee.

We continue to receive questions about the genetic value of the Middle Fork Pack to the wild 10(j) wolf population. Please convey to our partners and the general public the importance of this pack to long-term survival and adaptation in the wild population. In our September 4, 2009 memo, I stated the adults and young of the Middle Fork Pack are important in terms of genetic lineages. Of the three genetic lineages currently identified for Mexican gray wolves, the Aragon lineage is least present in the wild 10(j) population. The adult male and female in the Middle

Fork Pack represent half of the Aragon lineage among currently known lead adult wolves in the wild. When gene diversity is lost, it is expected that reproduction may be increasingly compromised by lower birth weights, smaller litter sizes, and greater neonatal mortality. Increasing the representation of under-represented founders is one way to slow the loss of gene diversity. Thus, the Middle Fork Pack represents a crucial opportunity to maximize the variety of genes in the wild. This also means it is vitally important the pups in this pack remain in the wild through dispersal, adulthood and that they successfully reproduce. Furthermore, we note the Middle Fork Pack is one of only two breeding pairs confirmed with pups in New Mexico this year. For these reasons, removal or loss of the Middle Fork Pack would represent a severe setback for the wild 10(j) population, something we all must strive to avoid. Maximizing genetics and pack survival in the wild 10(j) wolf population are paramount priorities at this point in time.

Please continue to keep me informed of events and progress pertinent to the Middle Fork Pack and associated depredations.

Attachments

## **AGFD Statement from Director Voyles:**

In the interest of full disclosure, I ask that the final management decision on the 7<sup>th</sup> depredation incident assigned to Middle Fork Pack AM871 and AF861 include these comments and AGFD's AMOC-level recommendation verbatim.

The situation regarding AM871 and AF861, which have now been assigned seven confirmed depredation incidents in New Mexico since July 30, 2009 (for a total of 7 incidents in the past 365 days plus 2 beyond 365 days), is serious and needs to come to a head. The biological factors (values) leading to previous decisions to leave these repeat-depredators in the wild are clearly significant. Recent agreement by a private fund to compensate the permittee for seven depredation losses in 2008 and seven thus far in 2009, plus any future losses in 2009 to these wolves, is both commendable and crucial, especially in the absence of federal funds to provide such mitigation. Incremental ramp-up of intensive hazing efforts to include cooperating agencies beyond NMDGF and a more integrated, comprehensive approach now appears to be more closely approaching authorized levels and is also commendable. Temperate response thus far by the permittee suffering the losses is perhaps the most commendable aspect of all. Yet, the evidence indicates that the almost-unprecedented level of hazing has not been sufficiently effective to move the Middle Fork wolves away from the livestock other than a short distance and temporarily (at least not yet); the depredations continue – a possible 8<sup>th</sup> incident is already under investigation; and the sufficiency of resources to pursue indefinitely a non-removal solution to this situation is questionable at best – agency resources are not infinite and extraordinary allocation to one situation almost certainly affects the ability to respond adequately to others. All these factors and the available evidence have been considered carefully, appropriately, and repeatedly by the IFT, AMOC, and the cooperating counties and NMDA in formulating three response recommendations to the Directors. All that information has been carefully considered by the Directors in making two decisions thus far on the appropriate management response under Project SOP 13.0. The breadth of recommendations from the IFT and AMOC and from the six Lead Agency Directors have well reflected the intent of SOP 13.0 as clarified on May 28, 2009 and the disparity of opinion among the cooperators on how to best balance wolf values and economic impacts in very complex circumstances. It appears that permanent removal will not be approved by USFWS with concurrence from NMDGF at the director level as a result of the level of depredation incurred from AM871 and AF861, and their four pups, which have now been exposed to feeding on depredated livestock. It is a point of concern that these pups might become habitual depredators as they become independent of AM871 and AF861 over the next 60 days or so. Under these circumstances, I urge a straightforward approach to attenuating the decision-making process for AM871 and AF861 that anticipates the likelihood of their continued depredation. I suggest that the USFWS Regional Director's decision memo for the 7<sup>th</sup> depredation incident affirm that that decision and any future decisions regarding depredation of these two wolves in New Mexico will be made by USFWS, as exceptions to SOP 13.0, after consultation with the NMDGF Director and consideration of any relevant information on future depredations that is provided by the IFT through AMOC without response recommendation by the IFT or AMOC. This approach would eliminate time loss developing and considering recommendations that are appropriate under SOP 13.0 but which in

fact are not viable in these circumstances because of the overall considerations as weighed by the USFWS and NMDGF Directors in accordance with their jurisdictional authorities. It would also end increasing discord over whether SOP 13.0 has been or will be appropriately applied to AM871 and AF861.